

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 41552
 George, Frank R., et al. : Confirmation Number: 7037
 Application No.: 10/759,526 : Tech Center Art Unit: 1633
 Filed: January 16, 2004 : Examiner: EPPS-SMITH, Janet L.
 :
 For: ELECTROMAGNETIC ACTIVATION OF GENE EXPRESSION AND CELL GROWTH

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated May 4, 2009 of the Primary Examiner finally rejecting claims 1-3, 5-15, 17-28, 63-76, 85 and 86.

Appeal Fee: \$270.00

Charge to Deposit Account No. 502624.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/Astrid R. Spain/
 Astrid R. Spain
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 Facsimile: 858.720.7800
Date: November 3, 2009

**Please recognize our Customer No. 41552
as our correspondence address.**